

FILED

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY PJ DEPUTY CLERK

NETLIST, INC., )  
Plaintiff, ) Case No. 1-22-mc-00839-RP (SH)  
vs. )  
RENESAS ELECTRONICS AMERICA ) Pending in: The United States District  
INC., ) Court for the Eastern District of Texas,  
Defendant. ) Marshall Division—No. 2:21-cv-463-JRG  
              )

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**STATUS REPORT REGARDING  
PLAINTIFF NETLIST, INC.'S MOTION TO COMPEL RENESAS ELECTRONICS  
AMERICA INC. TO COMPLY WITH THE SUBPOENA AND FOR AN ORDER TO  
SHOW CAUSE**

Movant Netlist, Inc. (“Netlist”) respectfully submits this Status Report regarding its Motion To Compel Renesas Electronics America Inc. To Comply With The Subpoena And For An Order To Show Cause (“Motion”), filed on August 18, 2022. Netlist understands that Judge Robert Pittman has referred the Motion to Magistrate Judge Susan Hightower.

Netlist personally served the Motion on Defendant Renesas Electronics America Inc. (“Renesas”) on August 19, 2022. On August 24, 2022, Renesas contacted Netlist through its outside counsel, and the parties conferred telephonically on August 25, 2022. On August 30, 2022, Renesas served its Objections And Responses To Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection Of Premises In A Civil Action (“Responses”). In its Responses, Renesas committed to provide to Netlist specifically identified responsive discovery within a specified timeframe. In subsequent written correspondence between counsel for Netlist and Renesas, Renesas further committed to provide that responsive discovery subject to the terms of the Protective Order governing the underlying action, i.e., *Netlist, Inc. v. Samsung Elecs. Co., et al.*, No. 21-cv-463-JRG, Dkt. 48 (E.D. Tex.). Netlist agreed to make this submission in reliance on Renesas’s representations that it would substantially complete responsive discovery, including source code of the relevant components, by the end of September with a rolling production beginning on September 8, as described above.

Although the Motion seeks relief beyond the commitments made by Renesas described above, Netlist is primarily concerned with obtaining responsive discovery as quickly as possible, and with minimal cost to the parties and burden on the Court. Renesas respectfully requests that the Court stay further briefing on the Motion to allow Netlist to review the discovery that Renesas provides to confirm that it satisfies the commitments made by Renesas described above. Netlist expects to be able to further update the Court by October 14, 2022.

Through its counsel, Renesas reviewed this Status Report prior to its filing, and confirmed to Netlist that Renesas had no disagreement with or objection to Netlist's characterization of the commitments made by Renesas described above. Netlist will serve a copy of this Status Report on Renesas via email, as the parties have agreed that such service is effective under Rule 5(b)(2)(F) of the Federal Rules of Civil Procedure.

Dated: September 2, 2022

Respectfully submitted,

/s/ Jennifer L. Truelove

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**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NETLIST, INC.,	)	
	)	
Plaintiff,	)	Case No. 1-22-mc-00839-RP (SH)
	)	
vs.	)	
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RENESAS ELECTRONICS AMERICA	)	Court for the Eastern District of Texas,
INC.,	)	Marshall Division—No. 2:21-cv-463-JRG
	)	
Defendant.	)	
	)	
	)	

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**[PROPOSED] ORDER**

**REGARDING PLAINTIFF NETLIST, INC.'S MOTION TO COMPEL RENESAS  
ELECTRONICS AMERICA INC. TO COMPLY WITH THE SUBPOENA AND FOR AN  
ORDER TO SHOW CAUSE IN LIGHT OF STATUS REPORT**

Having considered the Status Report filed by Plaintiff Netlist, Inc. (“Netlist”) on September 2, 2022, regarding its Motion To Compel Renesas Electronics America Inc. To Comply With The Subpoena And For An Order To Show Cause (“Motion”), filed on August 18, 2022, the Court issues the following order:

IT IS HEREBY ORDERED that all briefing regarding the Motion is stayed pending further Order of this Court.

IT IS FURTHER ORDERED that Netlist shall, by October 14, 2022, further update this Court regarding its Motion.